

HOUSE BILL No. 1255

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-27-2-11; IC 9-30-5-16; IC 9-30-8-1.

Synopsis: Ignition interlock devices. Requires that if a court orders probationary driving privileges for a person who is convicted of operating a motor vehicle while intoxicated, the court shall restrict the person from operating a motor vehicle unless it is equipped with an ignition interlock device if: (1) the person has a prior conviction for operating a motor vehicle while intoxicated not more than five years immediately preceding the occurrence of the violation for which the person is currently being granted probationary driving privileges; and (2) at least one of the person's convictions for operating a motor vehicle while intoxicated during that five year period involved the person operating the motor vehicle with at least 0.16% by weight of alcohol in
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Effective: July 1, 1999.

Kersey

January 11, 1999, read first time and referred to Committee on Courts and Criminal Code.



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Digest Continued

the person's blood or breath. Requires the court to order the office of traffic safety within the criminal justice institute to pay for the costs of the installation of the ignition interlock device for indigent defendants.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1255

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-27-2-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) The alcohol and
3 drug countermeasures fund is established for the purpose of funding
4 the programs and activities developed and conducted under section
5 4(8) of this chapter. The fund shall be administered by the office. The
6 fund consists of deposits made under IC 33-19.
7 (b) The treasurer of state shall invest the money in the fund not
8 currently needed to meet the obligations of the fund in the same
9 manner as other public funds may be invested.
10 (c) Money in the fund at the end of a state fiscal year does not revert
11 to the state general fund.
12 (d) At least sixty percent (60%) of the money in the alcohol and
13 drug countermeasures fund shall be used to supplement law
14 enforcement agencies in their efforts to apprehend persons who operate
15 vehicles while intoxicated. Money received by a law enforcement



agency from the fund may not be used to replace other funding of law enforcement services.

(e) The office shall allocate money from the alcohol and drug countermeasures fund to pay for the costs of the installation of ignition interlock devices for indigent defendants as ordered under IC 9-30-8-1.

SECTION 2. IC 9-30-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) Except as provided in subsection (b), the court may, in granting probationary driving privileges under this chapter, also order that the probationary driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. **However, the court shall restrict a person who is convicted under this chapter of operating a motor vehicle while intoxicated from operating a motor vehicle unless it is equipped with an ignition interlock device if:**

(1) the court orders probationary driving privileges under this section for the person;

(2) the person has a prior conviction for operating a motor vehicle while intoxicated not more than five (5) years immediately preceding the occurrence of the violation for operating a motor vehicle while intoxicated for which the person is currently being granted probationary driving privileges; and

(3) at least one (1) of the convictions described in subdivision (2) involved operating the motor vehicle with at least sixteen hundredths percent (0.16%) of alcohol by weight in grams in one hundred (100) milliliters of the person's blood or two hundred ten (210) liters of the person's breath.

(b) A court may not order the installation of an ignition interlock device on a vehicle operated by an employee to whom any of the following apply:

(1) Has been convicted of violating IC 9-30-5-1 or IC 9-30-5-2.

(2) Is employed as the operator of a vehicle owned, leased, or provided by the employee's employer.

(3) Is subject to a labor agreement that prohibits an employee who is convicted of an alcohol related offense from operating the employer's vehicle.

SECTION 3. IC 9-30-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. If a court orders the installation of a certified ignition interlock device under IC 9-30-5-16 on a motor



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1 vehicle that a person whose license is restricted owns or expects to
2 operate, the court shall set the time that the installation must remain in
3 effect. However, the term may not exceed the maximum term of
4 imprisonment the court could have imposed. The person shall pay the
5 cost of installation. **However, if the court determines that the person**
6 **is indigent, the court shall order the office of traffic safety to pay**
7 **the cost of the installation out of the alcohol and drug**
8 **countermeasures fund under IC 9-27-2-11.**

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